

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

AMY SCOTT

(b) County of Residence of First Listed Plaintiff DELAWARE
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

JOHN NEUMANN HICKEY, 20 W. FRONT ST. MEDIA PA 19063
610-891-8883

DEFENDANTS

KNOWLEDGE UNIVERSE, KINDERCARE LEARNING CENTER

County of Residence of First Listed Defendant MULTNOMAH
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

UNKNOWN

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input checked="" type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
29 USC 2601

Brief description of cause:
violation of FMLA

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
\$ 104,000 -

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes ☒ No ☐

VIII. RELATED CASE(S) IF ANY

(See Instructions):

JUDGE

DOCKET NUMBER

DATE 11/02/2015 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 123 Rose Ln, Springfield, PA 19064

Address of Defendant: 650 NE Holladay St, Suite 1400 Portland OR 97232-2096

Place of Accident, Incident or Transaction: Aston, Pennsylvania

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____

Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐ No ☒

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts

2. ☐ FELA

3. ☐ Jones Act-Personal Injury

4. ☐ Antitrust

5. ☐ Patent

6. ☐ Labor-Management Relations

7. ☐ Civil Rights

8. ☐ Habeas Corpus

9. ☐ Securities Act(s) Cases

10. ☐ Social Security Review Cases

11. ☒ All other Federal Question Cases

(Please specify) FMLA

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts

2. ☐ Airplane Personal Injury

3. ☐ Assault, Defamation

4. ☐ Marine Personal Injury

5. ☐ Motor Vehicle Personal Injury

6. ☐ Other Personal Injury (Please specify)

7. ☐ Products Liability

8. ☐ Products Liability — Asbestos

9. ☐ All other Diversity Cases

(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, John N. Hickey, counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(e)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 11/2/2015

Attorney-at-Law JOHN NEUMANN HICKEY

61896

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 11/2/2015

Attorney-at-Law

JOHN NEUMANN HICKEY

61896

Attorney I.D.#

CIV. 609 (5/2012)

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

AMY SCOTT	:	CIVIL ACTION
	:	
v.	:	
	:	
KNOWLEDGE UNIVERSE EDUCATION ET AL	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. (☒)
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

11/2/15	JOHN NEUMANN HICKEY	PLAINTIFF
<hr/>	<hr/>	<hr/>
Date	Attorney-at-law	Attorney for
610-891-8883	610-891-8923	JNH@hickeylaw.net
<hr/>	<hr/>	<hr/>
Telephone	FAX Number	E-Mail Address

**IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA**

AMY SCOTT	:	
123 ROSE LANE	:	
SPRINGFIELD, PA 19064	:	
Plaintiff,	:	
v.	:	
KNOWLEDGE UNIVERSE	:	
EDUCATION, LLC	:	
650 NE HOLLADAY STREET	:	
SUITE 1400	:	
PORTLAND OR 97232-2096	:	
Defendant	:	
&	:	
KINDER CARE LEARNING CENTER	:	
650 NE HOLLADAY STREET	:	
SUITE 1400	:	
PORTLAND OR 97232-2096	:	
Defendant	:	

COMPLAINT

PARTIES

1. The plaintiff is Amy Scott an adult who lives at 123 Rose Lane, Springfield, PA 19064.
2. The defendant is Knowledge Universe Education, LLC (hereinafter “Knowledge Universe”), a Delaware Limited Liability Company whose primary place of business is 650 NE Holladay Street, Suite 1400, Portland OR 97232-2096. This defendant has more than fifty (50) employees.
3. The defendant is KinderCare Learning Center, LLC (hereinafter KinderCare”), a Delaware Limited Liability Company whose primary place of business is 650 NE Holladay Street, Suite 1400, Portland OR 97232-2096. This defendant has more than fifty (50) employees.
4. This action is brought under the Family and Medical Leave Act (FMLA) Title 29 U.S.C. § 2601 et seq. and for retaliation for plaintiff’s seeking protection under the FMLA.

JURISDICTION

5. Jurisdiction is invoked pursuant to 28 U.S.C. 1331 and 1391.

VENUE

6. Plaintiffs employment was within this judicial district. The unlawful acts of the defendant occurred in this district.

FACTUAL BACKGROUND

7. In October 2013 the plaintiff was employed by the defendants as an Assistant Director at KinderCare Learning Center in Aston, Pennsylvania. KinderCare is a subsidiary of Knowledge Universe. Plaintiff's actual employer was Knowledge Universe but plaintiff was employed at a KinderCare location.

8. Plaintiff had requested and was granted intermittent FMLA leave due to medical conditions which include endometriosis and associated problems including the possibility of Lupus and M.S.

9. The Director at this location and the plaintiff's immediate Supervisor was Fran Lochman.

10. On or about November 22, 2013 the plaintiff became very ill due to the conditions for which she was granted intermittent FMLA leave. Her doctor told her not to work.

11. The plaintiff made Fran Lochman aware of her condition and her doctor's order.

12. While not working the plaintiff contacted Fran Lochman every day by either text or phone call.

13. On December 9, 2013 the plaintiff saw her physician who informed her to stay out of work for two more weeks.

14. The plaintiff made Fran Lochman aware of this on the same day.

15. On December 9, 2013 Ms. Lochman told the plaintiff to return to work or she would be fired. Fran Lochman advised that a district manager named “Doug” wanted to replace the plaintiff because of the FMLA leave and that “Doug” did not care about the doctor’s notes.

16. Plaintiff was unable to return to work and was under physician’s orders not to return to work.

17. Within a few weeks Fran Lochman had the plaintiff’s personal belongings which were at work delivered to her home.

18. A short time later the plaintiff contacted Knowledge Universe’s corporate benefits department to see about short term disability. Plaintiff requested that all appropriate forms and paperwork be faxed to her doctor and corporate (“Elizabeth”) informed they would fax everything over to her treating doctor.

19. The following week, upon learning that corporate had not faxed the paperwork to her doctor, she called corporate again. She was informed that she had been terminated and that her boss Fran Lochman had informed that plaintiff “fell off the face of the earth” and that she had not heard from the plaintiff since November 22, 2013 which was not true.

19. The plaintiff believes and therefore avers she was terminated for exercising her right to Intermittent FMLA leave.

20. The plaintiff followed all work rules and provided all proper medical documentation to take her approved FMLA leave.

21. The action of the defendant is in violation of the FMLA.

22. The actions of the defendant are retaliatory.

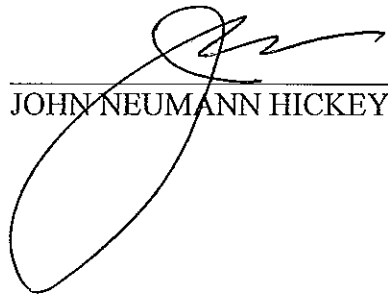
23. As a result the plaintiff sustained damages including loss of employment and wages.

24. By requesting FMLA Leave the plaintiff was engaging in a statutorily protected conduct.

25. As a result plaintiff had an adverse employment reaction, she was fired.
26. The events were so close in time demonstrating a causal connection between the two events.
27. As a result the plaintiff lost her job, the pay from her job and the bonuses she would have been entitled to receive.

WHEREFORE, plaintiff claims all damages recoverable in a FMLA claim and a FMLA Retaliation claim, including front pay, back pay, liquidated damages and attorney's fees.

Respectfully submitted,



JOHN NEUMANN HICKEY